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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,752	02/25/2002	Michael S. Bottom	99-431.1	6190
719	7590	05/19/2004	EXAMINER	
CATERPILLAR INC. 100 N.E. ADAMS STREET PATENT DEPT. PEORIA, IL 616296490			BELLINGER, JASON R	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,752

Applicant(s)

BOTTOM ET AL.

Examiner

Jason R Bellinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 45-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-52 is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-24, 32-37 and 53-58 is/are rejected.
- 7) ☒ Claim(s) 8-14 and 25-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-7, 15-24, 32-37, 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maguire in view of Ogaki et al. Maguire shows a track joint assembly adapted to connect a track "chain" together. The track "chain" has first and second structures (12 & 14, respectively). The joint assembly includes a track pin 20 extending between the first and second structures (12 & 14, respectively), and an insert 36 that surrounds a portion of the track pin 20.

The insert 36 includes at least one crown shaped surface thereon (namely the upper surface portion of the load ring 46). The crown shaped surface is located at a substantially central location along the outer surface of the insert 36. One of the first and second structures (12 & 14, respectively) includes an inner surface 34 to facilitate sliding rotation with the crown shaped surface of the insert 36.

The insert 36 is positioned between the first structure 12 and the track pin 20, and includes a sleeve 30 positioned within the first structure 12 with an inner surface to facilitate sliding rotation with the crown shaped surface of the insert 36.

Maguire does not specify the dimensional ratios of the insert. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to produce an insert having dimensional ratios suitable for the insert to operate properly in

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the application the insert was designed for, to prevent undue stress on the insert and thus preventing premature failure of the insert.

Maguire does not show the insert being a free-floating seal insert. Ogaki et al teaches the use of a free-floating seal insert 14 that is positioned between first and second structures of a track link. The free-floating seal insert 14 includes a curvilinear outer surface. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the track assembly of Maguire with a free-floating seal insert positioned between the track pin and one of the first or second structures of the assembly as a substitution of equivalent parts for the purpose of preventing debris from entering the track link assembly, dependent upon availability and cost.

Allowable Subject Matter

3. Claims 45-52 have been found to be allowable over the prior art.
4. Claims 8-14, and 25-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Terminal Disclaimer

5. The terminal disclaimer filed on 17 February 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent 6,485,116 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6-7, 15-21, 23-24, 32-37, 53-54, and 56-58 have been considered but are moot in view of the new ground(s) of rejection.

7. With regards to the claims rejected under Non-Statutory Double Patenting in the previous office action, the applicant was correct in believing that claim 18 had been rejected instead of claim 15.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show track assemblies having free-floating seals therein. For example, Saton et al shows a track assembly having a free-floating seal.

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9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617



jrb



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